

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD MERKEL,

Plaintiff,

v.

JOANNE B. BARNHART,
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION

Defendant.

Civil Action No. 03-6503

ORDER

September 30, 2005

Upon consideration of the parties' cross-motions for summary judgment, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Plaintiff's Motion for Summary Judgment is Denied.
3. The Defendant's Motion for Summary Judgment is Granted.¹

¹ This case is a close one. But, on the record taken as a whole, I agree with Judge Caracappa that substantial evidence supports the Commissioner's decision.

BY THE COURT:

LOUIS H. POLLAK J.